

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. GRACE & CO., <u>et al.</u> ,)	Case No. 01-01139 (JKF)
)	
)	(Jointly Administered)
Debtors.)	
)	Related Docket Nos. 9315, 10520
)	Claim Number: 12758
)	
)	Hearing Date: April 9, 2007 at 9:00 a.m.
)	Response Deadline: March 19, 2007
)	

**MACERICH FRESNO LIMITED PARTNERSHIP’S MOTION FOR SUMMARY
JUDGMENT WITH RESPECT TO THE DEBTORS’ FIFTEENTH OMNIBUS
OBJECTION (SUBSTANTIVE) TO ASBESTOS PROPERTY DAMAGE CLAIMS ON
BASES OF STATUTE OF LIMITATIONS, LACHES, AND ASSUMPTION OF RISK**

Macerich Fresno Limited Partnership (“Macerich”), hereby moves (the “Motion”) for summary judgment with respect to the Debtors’ Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims [Docket No. 9315] (the “Fifteenth Omnibus Objection”) on the bases of statute of limitations, laches, and assumption of risk. In support of the Motion, Macerich refers to and incorporates by reference the Memorandum of Law in Support of Macerich Fresno Limited Partnership’s Motion for Summary Judgment With Respect to the Debtors’ Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims on Bases of Statute of Limitations, Laches, and Assumption of Risk. For the reasons stated therein, Macerich requests that this Court (i) grant summary judgment in favor of Macerich with respect to the Category D-2, D-3, D-4 and D-6 objections asserted in the Fifteenth Omnibus Objection, (ii) enter an order substantially in the form attached hereto as Exhibit A, and (iii) grant Macerich such other and further relief as the Court deems appropriate.

Dated: February 16, 2007

ASHBY & GEDDES, P.A.



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